

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

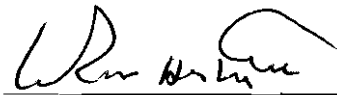
WILLIAM P. FUSON,	:	
	:	
Plaintiff,	:	Case No. 3:07CV0182
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	
	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND RECOMMENDATIONS
FILED ON JULY 23, 2008 (Doc. #12); REVERSING THE COMMISSIONER'S
DECISION THAT PLAINTIFF IS NOT DISABLED AND THEREFORE NOT
ELIGIBLE FOR BENEFITS; REMANDING THIS MATTER TO THE SOCIAL
SECURITY ADMINISTRATION FOR PAYMENT OF BENEFITS CONSISTENT
WITH THE SOCIAL SECURITY ACT FROM JULY 1, 2002 THROUGH
DECEMBER 31, 2002; AND TERMINATING THE CASE ON THE DOCKET OF
THIS COURT**

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on July 23, 2008 (Doc. #12) is **ADOPTED** in full;
2. The Commissioner's decision that Plaintiff is not disabled and therefore not entitled to benefits under the Social Security Act is **REVERSED**;
3. This matter is remanded to the Social Security Administration for the payment of benefits consistent with the Social Security Act from July 1, 2002 through December 31, 2002; and
4. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'Walter Herbert Rice', is written over a horizontal line.

Walter Herbert Rice
United States District Judge